

**MINUTES OF THE ARKANSAS STATE BOARD OF HEALTH  
QUARTERLY MEETING  
October 24, 2024**

**MEMBERS PRESENT**

Phillip Gilmore, PhD, President  
Darren Flamik, MD, President Elect  
Renee Mallory, RN, Secretary of Health  
Kay Chandler, MD, Surgeon General  
Loy Bailey, RS  
Robert Bonner, DVM  
Mellie Bridewell  
Chris Cathey, DC  
Lane Crider, PE  
Dwayne Daniels, MD  
Brad Erney, DMD  
Justin Franks, OD PA  
Anthony Hui, MD  
Mike Riddell, MD  
Donald Ragland  
Jim Terry  
Blake Torres, PharmD  
Clay Waliski  
James Zini, DO

**MEMBERS ABSENT**

Eddie Bryant, MD  
Vanessa Falwell, APRN  
David Kiessling, DPM

**GUESTS PRESENT**

Jennifer Dillaha, MD, ADH Director,  
Secretary of State Board of Health  
Don Adams, ADH, Chief of Staff  
Cassie Cochran, ADH, Deputy Director  
for Public Health Programs  
Dr. Bala Simon, ADH, Deputy Chief  
Medical Science Officer  
Namvar Zohoori, MD, ADH, Chief  
Science Officer  
Mike Cima, PhD, ADH, State  
Epidemiologist Science Officer and  
Deputy State Epidemiologist  
Naveen Patil, MD, Deputy State Health  
Officer  
Meg Mirivel, ADH, Director,  
Communications  
Geray Pickle, ADH, Chief Financial  
Officer  
Sherian Kwanisai, ADH, Director,  
Division for Local Public Health  
Connie Melton, ADH, Director, Division  
for Health Protection  
Christy Sellers, ADH, Director, Division  
for Health Advancement  
Jeremy Courtney, ADH, Director,  
Division of Health Data and  
Analytics  
Katie Seely, Ph.D, ADH, Director, Public  
Health Laboratory  
Joe Martin, Director, Office of  
Preparedness and Emergency  
Response Systems  
ChyChy Smith, DrPH, MPH, Director,  
Office of Health Disparities  
Elimination  
Laura Shue, ADH, General Counsel  
Reginald Rogers, ADH, Deputy General  
Counsel  
Brian Nichols, ADH, Attorney  
Chuck Hardin, ADH, Privacy Officer  
S. Craig Smith, ADH, Attorney  
Deborah Reagan, ADH, Attorney  
Jessica Upchurch, ADH, Administrative  
Assistant

Karla Lock, ADH, Board of Health  
Liaison  
Matt Gilmore, ADH, Public Health  
Programs Policy Coordinator  
Mandy Thomas, ADH, Associate  
Director, Division of Health  
Protection  
Lance Jones, ADH, Director of  
Engineering  
Kelli Kersey, ADH, Section Chief for  
Cosmetology, Body Art, and  
Massage Therapy  
Kelli Adcock, ADH, Administrative  
Analyst  
Terry Paul, ADH, Environmental Health  
Section Chief  
Ric Mayhan, ADH, Director, Protective  
Health Codes and Environmental  
Health Manager  
Bill Sims, ADH, Plumbing Inspector  
Supervisor  
Kris Richardson, ADH, Executive  
Assistant to Chief of Staff  
Job Toussaint, ADH, Health Program  
Specialist  
Kerry Krell, ADH, Public Health Section  
Chief  
Mike Wilson, ADH, EOC Technical  
Manager  
Steven Speer, ADH, Computer Support  
Specialist  
Curtis Rodgers, Licensee  
Kati Heuston  
Jim Heuston  
Steven Hefner, Arkansas PBS

The quarterly meeting of the Arkansas State Board of Health was held on Thursday, October 24, 2024, in the Main Conference Room, Room 906, at the Freeway Medical Tower Building in Little Rock, Arkansas.

#### **CALL TO ORDER**

Dr. Phillip Gilmore, President, called the meeting to order and asked for a roll call which was conducted by General Counsel Laura Shue.

#### **APPROVAL OF MINUTES**

Dr James Zini moved, and Dr. Darren Flamik seconded, that the Minutes of the July 25, 2024, Quarterly Meeting be approved. Motion carried by unanimous vote.

## **OLD BUSINESS**

### **UPDATE ON MATERNAL HEALTH**

Dr. Kay Chandler, Surgeon General, presented on the multi-faceted Strategic Committee on Maternal Health created by Governor Sanders in March to address issues, find solutions and improve health outcomes for women seeking prenatal care, first time moms, and newborn children. The Committee conducted ADH-led stakeholder meetings in five pilot counties: Polk, Scott, Garland, Crittenden, and Phillips. Dr. Chandler advised that over one hundred stakeholders met in April to begin this process. Four subgroups were established to focus on four key areas of: Data, Reporting, and Technology; Clinical and Practice Improvements; Education and Outreach; and Healthcare Access and Medicaid. Dr. Chandler advised since April, the subgroups have met over twenty times, including twice with all stakeholders present. The Strategic Committee for Maternal Health has met once each month. The Committee and subgroups meet to collaborate and identify a positive pathway forward for maternal health in Arkansas.

Dr. Chandler, at the request of President Gilmore, presented on maternity care deserts in Arkansas. Dr. Chandler, referencing the 2022 March of Dimes studies on Maternity Health Care Deserts across the United States, found that slightly over half, 50.7%, of Arkansas counties were considered maternity care deserts, compared to the national average of 35%. Dr. Chandler also pointed out the correlation of chronic disease, lack of access to hospitals, and substance abuse in the same areas as the maternity care deserts.

### **LITIGATION AND RULES UPDATE**

Ms. Laura Shue, General Counsel, updated the Board on the matter involving Danny Clark, a licensed water operator. Mr. Clark appealed the Board of Health's Order to the Crittenden County Circuit Court. Deputy General Counsel, Reginald Rogers, handled the appeal in Crittenden County and then Mr. Clark appealed his case to the Court of Appeals. Ms. Shue advised the Board that on October 2, 2024, the Court of Appeals affirmed the Board of Health's Order.

Ms. Shue advised the Board on a pending case in circuit court challenging a 2021 Act dealing with medical marijuana and how the Act was interpreted regarding telehealth and certification.

Ms. Shue reported to the Board the Rules implementing 2023 Acts have been promulgated to the Arkansas Legislative Council (ALC), with one rule pending to be presented in Public Health Committee in legislature next week, then finalized after submitting to the ALC Rules Subcommittee in November for review and approval.

### **UPDATE ON RULES PERTAINING TO DENTAL HYGIENISTS SERVING UNDERSERVED AREAS**

Ms. Laura Shue, General Counsel, updated the Board on Rules Pertaining to Dental Hygienists serving Underserved Areas. She reminded the Board they had approved the concept last year and during the promulgation process, a few technical things needed to be corrected by legal and then brought back before the Board for its approval. After addressing the substantive changes, Ms. Shue advised a vote is required and she would be happy to take any questions. There were no questions from the Board.

Dr. Brad Erney moved, and Mr. Ragland seconded, the recommendations be accepted as written. Motion carried by unanimous vote.

### **NEW BUSINESS**

#### **COUNTY HEALTH OFFICERS APPOINTMENTS- JEFFERSON AND SALINE COUNTIES**

Dr. Namvar Zohoori, Chief Science Officer, requested approval of Dr. Toni Middleton, the nominee for Jefferson County. There were no questions from the Board.

Dr. Mike Riddell moved, and Dr. Chris Cathey seconded, to approve the nomination. Motion carried by unanimous vote.

Dr. Zohoori then requested approval of the nominee for Saline County, Dr. Jeffrey S. Mayfield. There were no questions from the Board.

Dr. Mike Riddell moved, and Dr. Kay Chandler seconded, to approve the nomination. Motion carried by unanimous vote.

#### **MASSAGE THERAPY TECHNICAL ADVISORY COMMITTEE- VACANCY APPROVAL**

Ms. Kelli Kersey, Section Chief for Cosmetology, Body Art, and Massage Therapy addressed the Board regarding the vacant District 2 position on Massage Therapy Technical Advisory Committee. Ms. Kersey requested the Board to approve her recommendation of Deborah Thompson, a Licensed Massage Therapist practicing in Little Rock, to fill the vacancy. There were no questions from Board.

Dr. Anthony Hui moved, and Dr. James Zini seconded, to approve the nomination. Motion carried by unanimous vote.

#### **PROPOSED AMENDMENTS TO THE LIST OF CONTROLLED SUBSTANCES**

Mr. Shane David, PharmD, Pharmacy Services Section Chief, outlined various amendments to the list of controlled substances. The proposed changes are adding several fentanyl substances to follow the federal DEA scheduling, code identification numbers, and adding various isomers of current controlled substances to aid identification and eliminate any interpretation. Adding Xylazine as a Schedule III as it is currently used as an adulterant in illicit abuse of fentanyl, which complicates overdose treatments. Added exemptions for legitimate veterinary use that mirror a federal proposal. Adding one FDA approved controlled substance for oral treatment of post-partum depression.

After some discussion, Dr. Blake Torres moved, and Dr. Robert Bonner seconded, to approve the proposed amendments. Motion carried by a unanimous vote.

#### **PROPOSED AMENDMENTS TO RULES PERTAINING TO CONTROLLED SUBSTANCES**

Mr. Shane David, PharmD, Pharmacy Services Section Chief, presented the proposed amendments to the rules pertaining to controlled substances. Mr. David noted the language has been updated to comply with changes by the Drug Enforcement Administration (DEA) regarding

partial doses and disposal of abandoned controlled substances. In addition, language was updated removing the word “regulation” from the rule where applicable. There were no questions from the Board.

Dr. Darren Flamik moved, and Dr. Anthony Hui seconded, to approve the proposed amendments. Motion carried by a unanimous vote.

#### **REPEAL OF RULES AND REGULATIONS PERTAINING TO SYNTHETIC MARIJUANA PRODUCTS**

Mr. Shane David, PharmD, Pharmacy Services Section Chief, presented the proposed repeal of rules and regulations pertaining to synthetic marijuana products. Mr. David advised the Board that the proposed repeal is to eliminate a redundant rule prohibiting substances already found on Schedule VI of the List of Controlled Substances. Mr. David stated all criminal penalties for possession and distribution of synthetic marijuana products would remain the same as other controlled substances on Schedule VI. There were no questions from the Board.

Dr. James Zini moved, and Dr. Darren Flamik seconded, to approve the proposed repeal. Motion carried by a unanimous vote.

#### **RULES PERTAINING TO MOBILE HOMES AND RECREATIONAL VEHICLE PARKS**

Mr. Terry Paul, Environmental Health Branch Chief, presented the proposed amendments to the Rules Pertaining to Mobile Homes and Recreational Vehicle Parks. Mr. Paul advised the Board the proposed amendments address the standards for both the construction and design of mobile homes and recreational vehicle parks. Specifically, the rules for waste disposal, non-potable water, as well as the location and accessibility of bathrooms and shower facilities. Mr. Paul advised the Board the proposed amendments remove outdated terminology, address the duration of stays and uses of these parks, as well as sizes of recreational vehicles in relation to the park’s capacity, design, and layout.

After discussion and comment, Mr. Lane Crider moved, and Mr. Loy Bailey seconded, to approve proposed amendments. Motion carried by unanimous vote.

#### **COMMITTEE OF PLUMBING EXAMINERS – REAPPOINTMENT OF MASTER PLUMBER REPRESENTATIVE**

Mr. Ric Mayhan, Director- Protective Health Codes, nominated Mr. Brent Earley to serve a second four-year term on the Committee of Plumbing Examiners as a Master Plumber Representative.

At the conclusion of the presentation, Mr. Lane Crider moved, and Dr. Darren Flamik seconded, to approve the nomination. Motion carried by unanimous vote.

#### **COMMITTEE OF PLUMBING EXAMINERS – APPEAL BY CURTIS RODGERS, LICENSEE**

Mr. Brian Nichols, ADH Attorney, addressed the Board regarding the Appeal request by Mr. Curtis Rodgers. Mr. Nichols advised the Board that there was a hearing before the Committee of Plumbing Examiners held on June 7th, 2024. The hearing involved two alleged violations of Arkansas Department of Health Code by the Respondent, Mr. Curtis Rodgers.

The first allegation was the Respondent engaged in, advertised, and held himself out as a plumber without first having secured the required license. The second allegation was the

Respondent installed plumbing, without a responsible master plumber in charge at all times. Although Mr. Rodgers was duly notified of the hearing before the Committee of Plumbing Examiners, he failed to appear.

The committee heard testimony from Mr. Ric Mayhan, Director of Plumbing and Natural Gas for the Arkansas Department of Health. The committee received the testimony and evidence, which was relied upon in making their determination, a copy of that is contained in the packet as well as a copy of the transcript of that hearing.

The committee ultimately determined unanimously, after consideration of the evidence presented, that Mr. Rodgers did advertise and engage in the occupation of plumbing without having the appropriate plumbing license and engaged in, and installed, plumbing without a responsible master plumber in charge. The committee issued a civil penalty of \$2000; that is \$1000 for each charge, as well as issued an order for Mr. Rodgers to cease and desist advertising as a plumber. The advertising was done on social media post showing pictures of different things such as hot water heater installation, and a photograph of a Whirlpool hot tub.

Mr. Nichols concluded his remarks by asking the Board to uphold the Committee's decision, then yielded the floor to Mr. Curtis Rodgers. President Gilmore did request to limit discussion to about five minutes.

Mr. Rodgers spoke briefly on the reasons why he did not respond to the committee, as well as offered reasoning as to why he was not at fault.

After much discussion and questions from the Board, Dr. Dewayne Daniels moved, and Mr. Jim Terry seconded, to uphold the Committee's decision. Motion carried by a unanimous vote.

#### **ADMINISTRATIVE HEARINGS SUBCOMMITTEE PUBLIC DRINKING WATER SYSTEMS**

Mr. Reginald Rogers, Deputy General Counsel, presented on three water systems: Compton Waterworks, Fouke Waterworks and Hosanna Heights Water. Mr. Rogers thanked Lane Crider, Mr. Ragland, and Dr. Cathey, for their time serving on the committee, noting this was the second set of hearings this year, and commending them for a magnificent job.

Mr. Rogers directed the Board members to the first water system in their packets, Compton Waterworks. Mr. Rogers advised the Board the issue with Compton Waterworks, as with other water systems being brought before the Board, is not having a certified licensed water system operator. Also, in the packet the proposed order signed by the Chairman, Mr. Crider.

Mr. Rogers stated a hearing was conducted on July 31, 2024, before Board members of the Administrative Hearings Committee. The Respondent was represented by Compton Waterworks board members Jerry Raegan and Gregory Baccari. Mr. Rogers requested the Board approve the Proposed Order for Compton Waterworks with administrative penalties imposed of \$228,000, \$500 due immediately with the remainder to be suspended contingent on the Respondent complying with the Safe Drinking Public Water Act, and all applicable regulations.

After brief discussion, Mr. Loy Bailey moved, and Dr. Darren Flamik seconded, that the recommendation be accepted as written. Motion carried by a unanimous vote.

Mr. Rogers then directed the Board's attention to the second water system, Fouke Waterworks. Mr. Rogers advised an administrative penalty has been assessed of \$28,000 with \$500 immediately due, the Respondent shall pay the Department of Health the past due amount of \$4,461.60 for public service fees, and they shall publish all overdue public notices as required.

Mr. Rogers indicated they were very agreeable and they apologized for having to be there. The mayor was most gracious, so we ask for approval of the Proposed Order for Fouke Waterworks.

President Gilmore requested a motion. Dr. Darren Flamik so moved, and Mr. Loy Bailey seconded. Motion carried by a unanimous vote.

Mr. Rogers then presented on Hosanna Heights Water. Mr. Rogers advised the Board the Respondent had been duly notified and did not appear to be present. Mr. Rogers inquired if anyone representing Hosanna Heights was present on the conference call or via the video link. No response was received.

Mr. Rogers stated we heard the testimony and evidence presented. We have an administrative proposed penalty of \$137,280 with \$500 due immediately. They must have a properly licensed water systems operator. They must pay the past due amount of \$350 for public service fees, and publish all overdue public notices as required.

President Gilmore requested a motion. Dr. James Zini so moved, and Dr. Anthony Hui seconded. Motion carried by a unanimous vote.

## **OTHER BUSINESS**

### **ADMINISTRATIVE UPDATES**

#### **DR. JOSEPH H. BATES PREVENTIVE MEDICINE RESIDENCY PROGRAM**

Dr. Bala Simon, Deputy Chief Medical Officer, presented on the Dr. Joseph H. Bates Preventive Medicine Residency Program.

Dr. Simon spoke on the need for a preventative medicine residency program as well as its mission, goals, funding, and educational benefits.

Both the program's mission and its aim are to equip physicians with public health knowledge and skills to promote disease prevention and improve health for Arkansans at individual and population levels, meet eligibility for American Board of Preventive Medicine (ABPM) board certification in the specialty of Public Health and General Preventive Medicine (PHGPM) after completion of the 24-month residency training, and connect trainees with potential areas of relevant practice.

The Program is a joint venture between Arkansas Department of Health, UAMS COM Department of Family and Preventive Medicine, and UAMS College of Public Health. The program is currently being funded through Arkansas Tobacco Settlement Dollars at \$432,300 per year beginning July 1, 2024, through June 30, 2029, with potential continuation of funding.

The Preventive Medicine Residency Program will increase the number and quality of trained preventive medicine physicians to support and improve access to preventive care for patients within the UAMS system.

The program will provide trainees with primary, secondary, and tertiary prevention-oriented clinical practice, and population health skills to prevent or delay disease, disability, and death, as well as promote and maintain the health and well-being of their patients and the population at large.

#### **DIVISION/ OFFICE UPDATES**

Ms. Laura Shue, General Counsel, reminded the Board members interested in submitting their name to the Nominating Committee to be President in 2026, any nominations, any packets, any information that you want to share, technically, according to the By-laws, are due today but we will extend that to Friday, October 25, 2024. In addition, Ms. Shue encouraged all members whose terms are set to expire in December, and wish to be considered for reappointment, to submit their information to the governor's office.

#### **PUBLIC HEALTH SCIENCE-PROGRAM UPDATES**

No program updates.

#### **PRESIDENT'S REPORT**

Dr. Phillip Gilmore thanked the Board of Health Members for their continued service on the Board and on the committees. President Gilmore reflected on the Symposium held at the Winthrop Rockefeller Institute on Petit Jean Mountain.

President Gilmore stated it was the first time the Board has been invited to the annual Symposium and issued a challenge to Dr. Zohoori to get more involvement from the Board at next year's Symposium, scheduled for September 26- 28, 2025.

#### **SECRETARY'S REPORT**

Dr. Jennifer Dillaha, Director of the Arkansas Department of Health, expressed her gratitude to everyone who spends their time reviewing these materials, working to understand the background information, and wrestling with the hard decisions.

The meeting adjourned at 12:02 pm. Dr James Zini moved, and Dr. Anthony Hui seconded.



Dr. Phillip Gilmore, President  
Arkansas State Board of Health